

## **Family Medical Leave Act (FMLA) Procedures**

FMLA eligibility is determined by the Department of Human Resources and Equal Opportunity (HR/EO) for University of Kansas faculty, academic staff, unclassified professional (UPS), and university support staff (USS) employees. Employees and departmental personnel which are either requesting or alerted to conditions that may be eligible for FMLA protection, are to notify HR/EO immediately following the procedures as outlined below.

### **Definition of a Employee Eligibility**

- Employed by the State of Kansas/University of Kansas in a regular position for at least 12 months within the last seven years, and
- Has worked for the State of Kansas/University for at least 1,250 hours within the 12 month period immediately preceding the qualifying event.

### **Definition of a Qualifying Event**

- Birth and care of a newborn child.
- Placement of a child through adoption or foster care.
- Serious illness or injury rendering an employee unable to perform the duties of his/her job.
- Care for an employee's family member (parent, spouse, son or daughter under 18 or over 18 if qualifying) with a serious illness or injury.
- A qualifying exigency which occurs while the employee's spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation to manage the service member's affairs.
- Care for a covered service member who has suffered a serious injury or illness in the line of duty if the employee has a qualified family relationship with the covered service member or had an injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty.

### **Notification of Potential Need of FMLA Leave**

Notification of a serious personal or family medical illness/injury, parental leave or military leave is to be made by the employee to HR/EO 30 days prior to the qualifying event (if possible) or by the departmental personnel related staff person after an absence of more than three full consecutive days. HR/EO should be provided with the name of the employee, ID number, and the first day of leave.

Upon receipt of notification HR/EO will provide the employee with the [FMLA Notice of Eligibility and Rights and Responsibilities Form](#) as well as one of the following forms that require completion on behalf of the employee and/or health care provider:

- [Employee's Serious Health Condition - Certification of Health Care Provider](#)
- [Certification of Health Care Provider for Family Member's Serious Health Condition](#)
- [Certification of Qualifying Exigency \(Military\)](#)
- [Illness of Covered Service Member Certification for Serious Injury \(Military\)](#)

Employees are to return the appropriate form and required accompanying documentation within 15 calendar days from receipt. Failure to do so may jeopardize FMLA eligibility.

## **Determining Eligibility**

Within five business days of receipt, HR/EO will review the materials provided and determine if the condition qualifies for coverage under FMLA. The employee will receive a [FMLA Designation Notice](#) form indicating the outcome of the review. A copy of the Designation Notice will be sent to the Personnel Related Staff (PRS) member and Benefits.

## **Record FMLA Time**

During the assigned FMLA period, employees are required to deplete all forms of paid leave prior to going on a leave without pay status. Time and leave records are to reflect the correct use of leave and should not be allowed to exceed the total number of hours approved under FMLA without approval from HR/EO.

HR/EO will provide a [FMLA tracking spreadsheet](#) to assist in recording FMLA leave at the departmental level. FMLA leave should be documented in 15 minute increments for both exempt and non-exempt employees.

## **Leave Without Pay and FMLA**

In the event an employee exhausts all paid forms of leave while on FMLA the departmental PRS person may key the leave without pay period within the time and leave panels if the leave does not exceed more than two pay periods. If the leave without pay status extends beyond this period, a payroll form is required.

## **Prepare for the Employee's Return**

Employees designated for FMLA for medical related conditions will be required to present a fitness-for-duty certification (release to return to work) by his/her health care provider in order to be restored to employment. If such certification is not received in a timely manner, the employee's return to work may be delayed until certification is provided. Excessive delay or continued failure to produce such documentation may result in disciplinary action.

## **Employee Is Unable to Return to Work after FMLA Period**

An employee's inability to return to work may be due to several circumstances. In the event the employee requests additional leave time outside of the FMLA period, such requests must be made to HR/EO prior to expiration of the authorized FMLA period. HR/EO will work with the appropriate unit to determine if an accommodation would be available and in the best interests of the university. Employees will receive notification in writing regarding the decision and will be contacted regarding any related benefit impact.

In the event the employee indicates that he/she will not return to work after the designated FMLA period, the PRS should notify HR/EO and submit a payroll form terminating the employee to Payroll.

## **FMLA Document Retention**

FMLA documents are considered confidential and should be filed separately from personnel records. Documentation must be retained in a secure location for a period of five years from the date of FMLA approval.